Vol. VII. Numb. 37

THE OBSERVATOR.

The Original Contract betwixt our Anceſtors, and William *the* Norman, *prov'd. The Subjects then ſworn to the Kingdom, as well as to the Crown; and might be capable of Treaſon againſt both; prov'd from our Statutes and Law-Books, againſt the* Rehearſal. *An Account of four Letters lately ſent to the* Obſervator, *with Complaints of a Captain of one of the Queen's Ships, and of an Officer in the Exciſe,* &c.

From Saturday, June 19. to Wednesday, June 23. 1708.

Country-m. YOU oblig'd me very much laſt Time, Maſter, by explaining to me what Politicians call Conſtitutions of Government, or Original Contracts; but you will oblige me, and my honeſt Country Neighbours, a great deal more, if you will be at ſome Pains to ſhew us, that we had ſuch an Original Contract here in *England*.

Obſ. I am ſorry, *Roger*, there ſhould be any Occaſion to put a Queſtion of that Nature, in a Country, which, of all Nations in *Europe*, has had the longeſt and moſt uninterrupted Courſe of Liberty: But ſince arbitrary Courtiers, with mercenary Divines and Lawyers, have done what they could, ſince the Union of the Crowns, to bury our ancient Liberties in Oblivion, and to make it Treaſon to revive their Memory, or ſo much as to enquire after that Freedom which our glorious Anceſtors left us as an Inheritance, I am willing to gratify your Requeſt, and ſhall, from Time to Time, except when diverted by Matters of Weight, which require immediate Conſideration, give ſome Account of our ancient Conſtitution, that the good People of *Britain* may ſee how wretchedly the *Rehearſal*, and Men of his Stamp, have impos'd, and go on ſtill to impoſe upon the Nation, by advancing, under the Pretence of defending the Prerogative, ſuch Principles as tend to make us Slaves, and are quite contrary to our fundamental Laws, and the Original Contract betwixt Prince and People.

Country-m. I heartily thank you, Maſter. Pray make a Beginning?

Obſ. I will, *Roger*; and tho' I could go up to the Time of the *Britains*, *Romans*, and *Saxons*, and may, upon Occaſion, do ſo, yet I ſhall at preſent begin with what is call'd the *Norman* Conqueſt; for if I can ſhew an Original Contract in thoſe Days, from which the Advocates of Slavery would derive a Right of abſolute Power in our Princes, it ſhakes the Foundation of their Plea.

Country-m. I am of the ſame Opinion, Maſter; therefore pray go on.

Obſ. Whatever Prerogative-Authors ſay of his being a Conqueror, *Roger*, and whatever Truth there is in it, as to his conquering *Harold*, and his Party, yet 'tis plain from *Hoveden*, *Eadmerus*, *Matthew Paris*, *William* of *Malmsbury*, *Florence* of *Worceſter*, and others, that his Coronation was the ſame with that of the ancient *Saxon* Kings; and when he was crown'd, he enter'd into a ſolemn Covenant to obſerve the Original Contract; which was, *That he ſhould obſerve thoſe Laws which were the good, approv'd, and ancient Laws of the Kingdom, to defend the Church and Church-men, to govern all the People juſtly, to make and maintain righteous Laws, and to inhibit all Spoil, and unjuſt Judgments.* Upon which, the People enter'd into Covenant with him, *That as well within the Land, as without, they would be faithful to their Lord, King* William, *and in every Place, to keep, with all Fidelity, his Lands and Honours, together with him, and againſt Enemies and Strangers to defend.*

Country-m. That's a plain mutual Covenant, and Original Contract indeed, Maſter, and a full Anſwer to the *Rehearſal*'s Queſtion, in his Paper of *Wedneſday, June* 16. where he inſolently asks us to ſhew the Parliament that made the firſt King: For by this 'tis evident, they made him a King; and as you ſaid before, he is the firſt from whom thoſe Advocates of Slavery would derive the abſolute Power of our Princes.

Obſ. Your Obſervations are juſt, *Roger*; and I will ſhew you farther, contrary to the *Rehearſal*'s Aſſertion, that the Allegiance our Anceſtors then ſwore, was to the Kingdom, as well as to the King: For, *Ll. Gulielm. Spicil.* 59. we find there was a Law of Aſſociation enacted, beſides the Oath of Fealty formerly mention'd, by which all Free-men ſhould be ſworn Brethren, 1. '*To defend the Kingdome* with their Lives and Fortunes, againſt all 'Enemies, to the utmoſt of their Power. 2. To 'keep the Peace and Dignity of the Crown. 3. 'To maintain Right and Juſtice by all Means, 'without Deceit and Delay.

Country-m. This makes it very plain, Maſter, that they diſtinguiſh'd betwixt the Kingdom and the Crown, and were ſworn to defend the one, as well as the other.

Obſ. 'Tis plain enough, *Roger*, to every Body that does not ſhut their Eyes againſt Demonſtration. But I will tell you farther, if we may believe *Matthew Paris*, *An.* 1100, and 1213. the Order of Knight-hood, the chief Strength of the Kingdom in thoſe Days, was determin'd upon the Service of the King, and Defence of the Kingdom; or as it was explain'd by the Statute of *Mortmain*, 7 *Ed.* I. *For the Service of the King, in Defence of the Kingdom.* And thus we have Allegiance to the Kingdom, as well as to the King, enacted by Authority of King and Parliament.

Country-m. Pray, Maſter, what do you ſay to the *Rehearſal*'s bold Aſſertion in that fam. Paper; 'That there is no Treaſon, but only againſt the 'King; there is no Treaſon againſt the Kingdom and 'Parliament, or againſt the People; it is againſt the 'King alone, any Man can commit Treaſon?

Obſ. 'Tis as falſe as his former Aſſertion, *Roger*: For if, as we have prov'd, they ſwore Fealty to the Kingdom, as well as to the King, they might be guilty of Treaſon againſt the one, as well as the other; and ſo it is underſtood in our old Law-Books, where we read of Treaſon againſt the Kingdom, as well as againſt the King. So in *Hengham Parva*, Cap. 3. it is call'd Treaſon, *to raiſe War againſt the King or Kingdom*; and his Commentator, with *Plouden*, and others, refer to ſeveral Caſes in *Ed.* 3. and *Hen.* 4. In like Manner, *Hengham Magna*, Cap. 2. branches Treaſon thus, *De Nece, vel Seditione, Perſonæ Domini Regis, vel Regni, vel Exercitus*; *i. e.* to attempt the Death of the King, to ſeduce him, or the Kingdom, or his Army. So *Bracton* expreſſes it, Lib. 3. Cap. 3. *de Corona*; and *Fleta*, Lib. 1. Cap. 21. *Vel ad Seductionem ejus vel Exercitus ſui*; i. e. *Either to ſeduce himſelf or his Kingdom*: By which 'tis plain, that the *Rehearſal*, and his Party, are the Traitors who would ſeduce the King and Kingdom from our ancient and free Conſtitution, into arbitrary and ſlavish Principles, and advance the Sword above the Scepter, or an

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unaccountable Executive Power, as he calls it, above the Legiſlative; which is in the King and Parliament together, and in neither of them ſingly. But enough of this for one Paper, *Roger*; what Letter is that in your Hand?

Country-m. Here are ſeveral, Maſter. The firſt is one from ſome Gentlemen in *Buckinghamſhire*, thanking you for your Remarks on their Inſtructions, and defending the Right of the Electors to inſtruct their Members; with an Account of a Clergyman's adding an Inſtruction of his own to the printed Paper, in a Publick-houſe, inſiſting on the old exploded Danger of the Church.

Obſ. That has been one of the *Rehearſer*'s Tribe, *Roger*; they may well be allow'd to fly in the Face of our Electors, when they fly in the Face of the Queen and Parliament, who have ſo ſolemnly declar'd the Church to be in no ſuch Danger as thoſe Men ſuggeſt; for her greateſt Danger is from themſelves, who are ſo terribly afraid of coming near *Geneva*, that they keep on directly in the Pope's High-way to *Rome*.

Country-m. The ſecond is, Maſter, from a Gentleman in *Surry*, who thanks you for the good Service your *Obſervator* has done in thoſe Parts, particularly to the poor Soldiers, who were barbarouſly abus'd by ſome Officers; and giving an Account of ſome Sparks, who would have every Body's Throat cut, that takes in the *Obſervator*.

Obſ. Honeſt Men! I'll warrant you, *Roger*; they don't love that the Works of Darkneſs ſhould be brought to Light.

Country-m. The third is, Maſter, from a Gentleman, to inform you, that a Captain of one of the Queen's Ships, buys Hogs at Sea-ports, lays the Pork upon his Steeridge-Table, and ſells it to his Men for four Pence a Pound, as he does Onions to them out of his Cabbin, for Six-pence a Peck, and Brandy for four Shillings a Gallon, that he buys for one; that he hinder'd his Surgeon to go and get Medicines for his Men, by which ſixty of them were loſt in one Voyage; and witheld from them the Queen's Allowance of Wine for ſixty Days, by which many of them fell ſick.

Obſ. I am ſorry to hear ſuch a Story, *Roger*; and ſo much the more, that the Captain complain'd of, was advanc'd in the laſt Reign for his Merit; therefore I hope it is not true. But ſince I forbear naming him, he has an Opportunity to vindicate himſelf, if innocent, and fair Warning to reform, if guilty. However, this, and other Complaints of the like Sort, ſhew our Electors in *Buckinghamſhire* to have been in the Right, for all Mr. *Rehearſal*, to inſtruct their Members to enquire into the State and Diſcipline of our Fleet; the Importance and Uſefulneſs of which, I think can't be better underſtood, than from the great Piece of Service done lately to the common Cauſe by Admiral *Leake*, who has taken ſo many *French* Ships, with Proviſions and Ammunition, in the *Mediterranean*, by which *Catalonia* is not only ſav'd, but the Duke of *Orleance*'s Deſigns defeated, without ſtriking a Stroke. This could not have been perform'd, *Roger*, at ſo eaſy a Rate any other Way, as by our Fleet; ſo that you may ſee how good Friends thoſe Men are to the Nation, who were ſo very angry with us for inſiſting on making more Uſe of our Naval Force, and on enquiring into thoſe Miſmanagements of it, which were ſo loudly complain'd of by the Lords and Commons.

Country-m. Let the Under-ſpur-leathers ſay on, Maſter, it will appear at laſt, whether they or we be Whigs in Maſquerade, and which of us keep moſt to the Principles of the Revolution. But here's another Letter, Maſter, complaining, that one *D---r*, the Son of an old Informer againſt Proteſtant Diſſenters, tho' turn'd out of the Exciſe for ſeditious Words againſt the late King *William*, and other ill Practices in that Reign, is now reſtor'd and promoted; and all the Uſe he makes of his new Advancement, is, that for ſome Years paſt, he has, by his Authority over inferior Officers, prevented the raiſing that Branch of the Revenue, which was given towards reducing the exorbitant Power of *France*, and which thoſe concern'd, were willing to have pay'd for that End; and that this very Perſon was formerly convicted of drinking the late King's Health, and of ſpeaking ſcurrilous Words againſt King *William*, of Glorious Memory.

Obſ. I am ſorry, *Roger*, to hear ſo many Complaints of that Sort. The Perſons aggriev'd, muſt complain to the Parliament, if there be no other Method of Redreſs. But I hope, after ſuch Warnings as theſe, the Commiſſioners of the Exciſe will enquire into the Matter, and puniſh ſuch Criminals according to Merit.

Advertiſements.

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This Week will be publiſh'd,

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Theſe are to give Notice,

†‡† That Mary Kirleus, Widow of John Kirleus, Son of Dr. Thomas Kirleus, a ſworn Phyſician in Ordinary to King Charles II. ſells (exactly prepar'd) his famous Drink and Pills, experienc'd above 50 Years, to cure all Ulcers, Sores, Scabs, Itch, Scurfs, Scurvies, Leproſies, Running of the Reins, and the moſt inveterate Venereal Diſeaſe, with all its attending Symptoms, without Fluxing, Confinement, or deſtructive Mercurial Preparations. Theſe incomparable Medicines need no Words to expreſs their Virtues; the many miſerable Ones, that have been happily cur'd, after given over by others, ſufficiently recommend them as the moſt ſovereign Remedy in the World againſt all ſuch Malignities. She cures many after Fluxing, and in Compaſſion to the Diſtreſs'd, will deal according to the Patient's Ability. The Drink is 3 s. the Quart, the Pills 1 s. the Box, with Directions; and Advice gratis. ¶ She lives at the Golden Ball in Hand-Court, over againſt Great Turn-Stile, in Holborn.

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